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remainderman's favour, founded on the unexpressed, but yet, under the circumstances, fairly to be presumed intention. Neither would it be just or right to allow the tenant for life to devastate the property." (P. 66.)

If this were a trust, one would think the doctrine of the *locus pænitentiae* of the trustee would apply and so the trustee, who has committed a breach, might sue to get back that which represents the trust *res*. This, however, cannot be done. *Wentworth v. Turner*, 3 Ves. Jr. 3.

Many other like examples might be cited. It is enough to say that the present book in its seventh edition is still speaking the language of the first and that the results of the more thorough study of the cases which has gone on in recent years have made little impression upon it. This is the more strange since in such elementary books as Ashburner On Equity, for instance, such subjects as mutuality of remedy are handled in quite a different way.

As a clear, concise and well-written statement of what the books used to say about equity, much may be said for this book. The present edition also seems to have been well done in the respect that the latest important decisions have been judiciously selected and put in appropriate places. But it seems a pity that a subject of such importance should be presented to students at this late day with so little attention to the work of the scholars who have replaced the traditional notions of the era of Story's Equity Jurisprudence by system and science.

R. P.

A CONCISE TREATISE ON PRIVATE INTERNATIONAL JURISPRUDENCE, BASED
ON THE DECISIONS IN THE ENGLISH COURTS. By John Alderson Foote.
Fourth Edition, by Coleman Phillipson. London: Stevens and Haynes.
1914. pp. xliv, 595.

This is a standard treatise, first published over thirty years ago (1878). It is not intended to be an elaborate philosophical treatise, like Professor Dicey's; but, on the other hand, it is not at all a mere student's cram-book. It has not the qualities of an elementary discussion of the subject. It is just what it purports to be; a collection for lawyers of the decisions bearing upon private international law, so-called.

Such a working treatise for lawyers may be expected to possess certain characteristics. It should have a sensible and natural analysis; it should contain all the cases; and it should discuss the cases in a manner to illuminate the decisions, to reconcile apparent conflicts, to remove difficulties, to clear up obscurities, and to sift out the significant language from hasty or ill-considered dicta. The first two characteristics this work possesses. The analysis is good, and the collection of cases is fairly exhaustive. In a few cases the discussion perhaps lacks something in perspicuity. It is a little hard, for instance, to get at the author's conclusion on the question of capacity. His treatment of the puzzling cases on the validity of marriage does not furnish any clue to the puzzle; indeed, his examination of the case of *Brook v. Brook* is not at all satisfactory. His treatment of the law of matrimonial acquests, and of the surprising cases of *De Nichols v. Curiel*, also leaves much to be desired.

These, however, are not fair specimens. The greater part of the book is excellently done, the cases intelligently discussed, and the result of them fairly and clearly stated. The book ought to be of great use to an American lawyer, while it cannot supplant Professor Dicey's more ambitious work; for though our authorities often depart from those of the English courts, no lawyer can feel himself familiar with the American law without some knowledge of the English cases.

J. H. B.